



ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE PUBLISHED BY AUTHORITY

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AMARAVATI, FRIDAY, JANUARY 27, 2023

G.2562

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

PRINCIPAL DISTRICT & SESSIONS JUDGE- CUM-DISCIPLINARY AUTHORITY VISAKHAPATNAM

D.E.No.04-A/2016.

Date: 24-01-2023.

DEPARTMENTAL ENQUIRY AGAINST Smt. M.KALPANABAI, STENOGRAPHER, ADDITIONAL JUNIOR CIVIL JUDGE'S COURT, YELLAMANCHILI AND ON DEPUTATION TO WORK IN II ADDITIONAL CHIEF METROPOLITAN MAGISTRATE'S COURT, VISAKHAPATNAM - CERTAIN ACTS OF MISCONDUCT I.e., CONTINUOUS UNAUTHORIZED ABSENCE FROM DUTIES SINCE 30-09-2014 - WITHOUT PRIOR PERMISSION AND SANCTION OF ANY KIND OF LEAVE - DISCIPLINARY PROCEEDINGS - INITIATED AGAINST - UNDER RULE 20 OF APCS (CCA) RULES 1991 - ARTICLES OF CHARGES FRAMED - WRITTEN STATEMENT - CALLED FOR - REGULAR DEPARTMENTAL ENQUIRY - ORDERED - SRI G.SATYA PRABHAKARA RAO, II ADDITIONAL SPECIAL JUDGE FOR CBI CASES, VISAKHAPATNAM - APPOINTED AS ENQUIRY OFFICER - TO CONDUCT ENQUIRY IN ACCORDANCE WITH THE A.P.C.S (CCA) RULES, 1991 - ENQUIRY OFFICER CONDUCTED EX-PARTE ENQUIRY AND SUBMITTED HIS REPORT - AS THE CHARGED EMPLOYEE FAILED TO ATTEND THE ENQUIRY - REPORT OF THE ENQUIRY OFFICER - PERUSED - ACCEPTED - COPY OF ENQUIRY OFFICER'S REPORT - SUPPLIED - SHOW CAUSE NOTICE - TO THE CHARGED EMPLOYEE - FINAL WRITTEN REPRESENTATION - ISSUED - THROUGH COURT - AND GAZETTE NOTIFICATION - CALLED FOR - PERUSED - SUBSEQUENT REPRESENTATIONS OF THE INDIVIDUAL - PERUSED - NOT ACCEPTED - INDIVIDUAL FAILED TO APPEAR- PUNISHMENT OF REMOVAL FROM SERVICE - U/RULE 9 (IX) OF APCS (CCA) RULES, 1991 - IMPOSED - FINAL ORDERS - ISSUED.

Ref : 1. District Court's proceedings in D.E.N0.4-A/2016, Dt.04.07.2016 calling for written statement of Smt M. Kalpanabai, Stenographer, on the Articles of charges framed against her for willful unauthorized absence.

2. Letter Dis.No.2893, Dt.09.04.2018 addressed to the District Collector, Visakhapatnam along with Notice issued by this Court to Smt M.Kalpanabai, Stenographer under Rule 20 (4) of A.P.C.S. (CCA) Rules, 1991.

3. Proceedings of the District Collector, Visakhapatnam in L.Dis.No.G95/2018/ A9 Dt. 13.04.2018 along with Visakhapatnam District Gazette publication Notice under Rule 20 (4) of A.P.C.S. (CCA) Rules, 1991.

4. District Court's Proceedings D.E.No.4-A/2016 Dt.26-09-2018 appointed II Additional Special Judge for CBI Cases, Visakhapatnam as Enquiry Officer.

5. Enquiry report submitted by Enquiry Officer cum II Addl. Spl. Judge for CBI Cases, Visakhapatnam in Dis.No.65 Dt.05.02.2019.

6. Final Show Cause Notice dated 18.02.2019 issued to the charged employee in Dis.No.1248, Dt.18.02.2019.

7. Letter in Dis.No.1249, Dt.18.02.2019 addressed to the District Collector, Visakhapatnam, forwarding Final Show Cause Notice issued to the charged employee.

8. Letter in Dis.No.165, Dt.28.02.2019 of the II Addl. Chief Metropolitan Magistrate, Visakhapatnam.

9. Letter in RC.No.583/2019 A9 Dt:20/05/2019 of the District Collector, Visakhapatnam.

10. Letter in Dis.No.5363, Dt.26.08.2019 addressed to the Assistant Director, Printing, Stationery &Stores, Purchases Dept., Govt of A.P., Vijayawada, for cause publication of final show cause notice Issued to the charged employee.

11. Letter in Dis.No.4317, Dt. 17.08.2021 addressed to the Assistant Director, Printing Stationery &Stores, Purchases Dept., Govt of A.P., Vijayawada (Reminder-1)

12. Letter in Dis.No.8892, Dt.01.10.2022 addressed to the Assistant Director Printing Stationery &Stores, Purchases Dept., Govt of A.P., Vijayawada (Reminder-2)

13. Letter Dt.21.01.2023 from the Manager(works), Govt. Printing Press Printing Department, Govt, of A.P., Vijayawada along with Gazette Notification.

14. Other connected papers.

Having regard to the nature of misconduct i.e., willful unauthorized absence from duties continuously by Smt. M.Kalpanabai, Stenographer, Additional Junior Civil Judge's Court, **Yellamanchili** and on deputation at II Addl. Chief Metropolitan Magistrate's Court Visakhapatnam from 30.09.2014 onwards, Disciplinary Proceedings have been initiated against her, under the provisions of Rule 20 of APSCS (CCA) Rules, 1991 and the following Articles of charge have been framed against her in the reference 1st cited, calling of her written statement of defence.

ARTICLES OF CHARGE:

"THAT you Smt. M. Kalpanabai, Stenographer, Additional Junior Civil Judge's court, Yellamanchili and working on deputation in II Additional Chief Metropolitan Magistrate's Court, Visakhapatnam, were initially granted leave from -08-2014 to 29.09.2014, to go to Abroad U.A.E. on your personal affairs, and thereafter, you did not turn up to join duty on 30.09.2014 and willfully stayed away from duties and sent leave applications (except for the period from 01.05.2015 to 30.06.2015) to the Office from time to time for grant of extension of E.O.L. or any other kind of leave till 30.06.2016, as of your right, and even on 01.07.2016, you did not turn up to join duty and did not submit any information to the office about your absence, and thus you willfully remained absent from duties without sanction of leave for the period from 30.09.2014 till date, and thereby you have exhibited serious misconduct/misbehaviour and gross negligence in discharging your official duties, which act or acts if proved or established would amount to serious misconduct/misbehaviour and gross dereliction of official duties and contravention of Rule 3 of APCS (conduct) Rules 1964 and liable for disciplinary action as per APCS (CCA) Rules, 1991.

In spite of best and sincere efforts taken by this office, Disciplinary Proceedings along with Articles of charges could not be served on the charged employee. Therefore, in the reference 2nd cited, a letter has been addressed to the District Collector, Visakhapatnam, enclosing a copy of the charge memo issued against the charged employee, for causing publication of the same in Visakhapatnam District Gazette. In response to the said letter, the District Collector, Visakhapatnam had issued proceedings in the reference 3rd cited, allotting Issue No.29/2018 for publication of Notification in the District Edition of AP Gazette and directed M/s Victory Printing Press, Visakhapatnam to publish the same in the District Gazette, Visakhapatnam. Accordingly, the said charge notice was published in the District Gazette under Issue No.29/2018 dt.13.04.2018 and copies were forwarded to the District Court, Visakhapatnam on 29.08.2018. Thereafter, a copy of the Gazette notification has been forwarded to the address of the charged employee vide Dis.No.6546 Dt.31.08.2018 through special messenger, for service, but it was returned un-served with a report that presently the charged employee is not residing in Visakhapatnam and she left for Kakinada long back. This office has also forwarded the copies of Gazette Notifications to the II Addl. Chief Metropolitan Magistrate, Visakhapatnam and Addl. Junior Civil Judge Yellamanchili, for causing affix of the same on their respective court notice boards. However, there is no any response from the charged employee till date. Therefore, it is presumed that she has no written statement to submit on the Articles of charge farmed against her, for her willful unauthorized absence from duties continuously from 30.09.2014 onwards.

In the reference 4th cited, Sri G.Satya Prabhakar, II Addl. Spl. Judge for CBI Cases Visakhapatnam, was appointed as Enquiry Officer to conduct the regular departmental enquiry on the articles of charge framed against the above Individual, in accordance with the provisions of APCS (CCA) Rules, 1991, and submit his report. Sri A.V.V.Satyanarayana Murthy, Chief Administrative Officer, II Addl. Spl. Judge's Court for CBI Cases Visakhapatnam, was appointed as Presenting Officer to present on behalf of the Disciplinary Authority, the case in support of the Articles of Charge framed against the above individual.

The Enquiry Officer-cum-II Addl. Special Judge for CBI Cases, Visakhapatnam, after conducting ex parte enquiry against the above Individual, submitted his report in the reference 5th cited, holding that the charge framed against the charged employee is proved.

After having perused the said report of enquiry and accepted the same, Issued Final show cause notice to the Individual, through District Gazette and Court Vide reference 6th cited, calling for final written representation of the charged employee, if any, within 15 days from the date of publication of notice In District Gazette, on the report of Enquiry Officer as well as on the disciplinary action to be taken against her by the Disciplinary Authority and forwarded the said Final show cause notice to the District Collector, Visakhapatnam in the reference 7th cited, requesting him to cause publication of the Notice In Visakhapatnam District Gazette, and transmit the copies of District Gazette to District Court to proceed further in the matter/departmental enquiry.

In the reference 8th cited, the II Addl. Chief Metropolitan Magistrate, Visakhapatnam submitted that the notices are not served against charged employee as the residence particulars are not available in his Court and whereabouts not known.

The District Collector, Visakhapatnam In the reference 9th cited informed that “if an order or notice cannot be so served or communicated to an employee through Personnel intimation/ Through Registered letter, the same can be published in the Andhra Pradesh Gazette for further actions as mentioned in Part-VIII (Miscellaneous) Rule 42(iii) of CCA Rules, 1991”, and in view of the said Rule position, the Notice cannot be published in Visakhapatnam District Gazette, and therefore, requested to pursue the matter with the concerned authorities so as to publish the notice In A.P.Gazette. Pursuant thereto, the Final Show Cause notice issued to the charged employee, was forwarded to the Assistant Director Printing, Stationer & Stores, Purchase Dept., Govt, of A.P., Mutyalampadu, Vijayawada-520011 in the references 10th to 12th cited, requested to cause publication of the said Show Cause Notice, in the A.P.Gazette and transmit the copies of Gazette publication to District Court to proceed further in the matter/departmental enquiry.

In the reference 13th cited, the Manager(works), Govt. Printing Press, Vijayawada forwarded the copy of Gazette (the Final Show Cause Notice was published in the Andhra Pradesh Gazette vide G.250, W.No.35 Dt:29.08.2019) to the District Court, Visakhapatnam. But, the charged employee did not submit her final written representation till today. Therefore, it is presumed that she has no final written representation to submit on the report of Enquiry Officer-cum-II Additional Special Judge for CBI Cases, Visakhapatnam as well as on the disciplinary action to be taken against her by the undersigned.

A Government servant, particularly the employees working in the cadre of Stenographers in this department cannot stay away from his legitimate duties, as of his right, without sanction of any leave by the competent authority.

Having considered the report of enquiry together with entire record in D.E.No.4-A/2016 and having regard to the nature of charge held proved against Smt M.Kalpanabai, Stenographer, of this Unit, the undersigned decided to impose a punishment of removal from service for her continuous unauthorized absence from duties since 30-09-2014.

Accordingly, the undersigned hereby imposes a punishment of **removal from service** upon Smt M. Kalpanabai, Stenographer, of this Unit, U/Rule 9 (ix) of APSCS (CCA) Rules, 1991.

The Presiding Officer concerned is directed to make necessary entries in the Service Register of the above individual and cause service of these final orders on the above individual **immediately** and submit served copy of the same to the District Court, Visakhapatnam, for record.

G. GOPI,
*District Judge cum Disciplinary Authority,
Visakhapatnam.
[Dis.No.561.]*

To,
Smt M. Kalpanabai, Stenographer (unauthorized absence from duties) through proper channel

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